



## WEST VIRGINIA BOARD OF PHYSICAL THERAPY

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**LESLEIGH B. SPROUSE**  
Board Chair

**PATRICIA A. HOLSTEIN**  
Executive Secretary

### MINUTES

Wednesday, December 8, 2010

10:00 am

Members present: Lesleigh Sprouse, Melanie Taylor, Shannon Snodgrass, Gina Brown, D.C. Offutt, Jack Spatafore, and John Spiker

Non Members present: Janet Rorrer, WVATC Government Affairs Committee and Assistant Professor & Coordinator of Clinical Education at University of Charleston; Eric Tarr, VP WVPTA; Jason Webb, Lobbyist; and Kate Campbell arrived at 12:00 pm and left at 1:30 pm.

Minutes taken by: Trish Holstein

#### I. Lesleigh motioned to call meeting to order at 10:13am.

#### II. Approval of Minutes

- a) **Melanie** motioned to approve June 7, 2010 minutes. **Shannon** seconded the motion with all in favor.
- b) **Melanie** a motioned to approve amended June 18, 2010 minutes. **John** seconded with all in favor.
- c) **Shannon** motioned to approve July 21, 2010 minutes. **D.C.** seconded the motion with all in favor.
- d) **D.C.** motioned to approve July 29, 2010 amended minutes. **Jack** seconded the motion with all in favor.
- e) **Lesleigh** motioned to approve amended September 7, 2010 minutes. **Melanie** seconded the motion with all in favor.
- f) **D.C.** motioned to approve November 3, 2010 minutes. **Shannon** seconded the motion with all in favor.

#### IV. Chairman Report

- a) Rules update
  1. Lesleigh explained the emergency rule amendment. She explained that we only intended to have the emergency rule include the ratio; however, the whole section of 16.8. was approved. Jason Webb brought it to our attention that it did include the whole section and Trish checked this and confirmed this information to be correct from the Secretary of State's office. Trish submitted an emergency rule amendment with only the ratio as an emergency and it was approved by the Secretary of State's office on November 5, 2010.
  2. Lesleigh explained that the athletic trainers procedural rule
    - Series 7 Contested Case Hearing Procedure for Athletic Trainers was effective 09/11/10
    - Series 8 Disciplinary and Complaint Procedure for Athletic Trainers was effective 09/11/10
  3. Lesleigh explained the athletic trainers legislative rule
    - Series 5 General Provisions for Athletic Trainers was approved on 09/13/10 by Rule Making Committee.
    - Series 6 Fees for Athletic Trainers was approved on 09/13/10 by Rule Making Committee. .
  4. Lesleigh explained the process of the athletic trainers registration process and explained this is for title protection only.
    - Submit a current certification from the National Athletic Trainers' Association Board of Certification or successor organization.
    - Board of Education will be able to call themselves athletic trainers if certified prior to July 1, 2011; however if certified after July 1, they cannot call themselves athletic trainers.
    - The Board of Education will be having a meeting on December 20, 2010 and Lesleigh is going to try to attend.
    - Lesleigh advised that even if they graduate with an athletic trainer degree, they cannot call themselves an athletic trainer in WV, unless they are registered with us.

- Lesleigh advised that she would like to see the Board of Education’s policy. Jason Webb emailed the policy to Trish during the meeting. Shannon suggested keeping the policy on file.
  - The board agreed that they would like to have the list of athletic trainers from the Board of Education
  - Lesleigh advised that the state annual athletic training is in February 2011 and that she and Trish will plan to attend.
  - Jason Webb, Eric Tarr, Janet Rorrer joined in the discussion regarding athletic trainer’s registration and the proposed rule.
5. Motions for athletic trainers
- **Lesleigh** motioned to approve:
    - Renewal dates of April 1 – June 30<sup>th</sup>
    - Athletic trainer’s application with changes as discussed and the application will be placed on the website.
    - Athletic trainers renewal application and the certificate with changes as discussed**Melanie** seconded the motion with all in favor.
  - **Lesleigh** motioned to start accepting athletic trainer’s application immediately when statute is passed with registration date effective July 1. **Shannon** seconded with all in favor.
6. Consideration for PT legislative rule – Series I
- Co-visit between PT & PTA in telecommunications setting
    - Lesleigh discussed letter from WV council of home care agencies
    - The Board agreed to clarify the question regarding 100 % co-visit and that we need to post the clarification on our website that the board discussed in our meeting and our decision interpretation follows: A joint onsite visit by the physical therapist and the physical therapist assistant must be made on the physical therapist assistant’s first visit to the patient and at least once every 10 physical therapist assistant visits, or within 21 calendar days, whichever occurs first, there must be a joint on-site visit by the licensed physical therapist assistant and the licensed physical therapist. During any joint onsite visit, the physical therapist must actively participate in the patient care and document necessary assessments as deemed appropriate by the physical therapist.
    - Board requested Trish to respond to letter from WV Council of Home Care Agencies.
  - **D.C.** motioned to change language on 8.2.b.1 by striking out “site visit only” replace “joint onsite” **Melanie** seconded the motion with all in favor.
    - 8.2.b.1. A physical therapist must be accessible by telecommunications to the physical therapist assistant at all times that the physical therapist assistant is treating patients; and available to make a ~~site visit jointly~~ joint onsite visit with the physical therapist assistant within 24 hours as prudent practice indicates.
  - **D.C.** motioned to amend section 8.b.2 and 8.b.3 and to partial combine and to add the language “During any joint onsite visit, the physical therapist must actively participate in the patient care and document necessary assessments as deemed appropriate by the physical therapist”. **Shannon** seconded the motion with all in favor.
    - 8.2.b.2. A joint onsite visit by the physical therapist and the physical therapist assistant must be made on the physical therapist assistant’s first visit to the patient and at least once every 10 physical therapist assistant visits, or within 21 calendar days, whichever occurs first, there must be a joint on-site visit by the licensed physical therapist assistant and the licensed physical therapist. During any joint onsite visit, the physical therapist must actively participate in the patient care and document necessary assessments as deemed appropriate by the physical therapist.
  - **D.C.** motioned to start section 8.2.b.3. with the sentence “In the event...” **John** second with all in favor.
    - 8.2.b.3. In the event that the supervising physical therapist changes, ~~then that Physical Therapist must evaluate the patient with the new supervising physical therapist assistant~~ must discuss the patient’s diagnosis and plan of care with the previous supervising physical therapist before the next physical therapist assistant visit is made. Either physical therapist must document such communication.
  - **Lesleigh** motioned to add language to 7.7. **Shannon** seconded the motion with all in favor.
    - 7.7. A licensee must report to the board any discipline received in another jurisdiction within 30 days of that discipline. The board reserves the right to discipline up to and including revocation of a license until disciplinary process in the other jurisdiction is completed. If the licensee fails to report

discipline in another jurisdiction, they are subject to disciplinary procedures in our jurisdiction determined by the board.

- **Lesleigh** motioned to strike section 8.7 and to add to add language to section 2.15.a. **Melanie** seconded the motion with all in favor.
    - 2.15.a. A physical therapy aide works under the direct supervision of a physical therapist; however, a physical therapist assistant may directly supervise a physical therapy aide in situations necessary to provide patient safety.
  - **Shannon** motioned to strike out 8.2.a, 8.5 and, 8.6 from our proposed rule and to keep the old 8.2.a language. **Melanie** seconded. **Shannon and Melanie** voted in favor of the motion and the 5 others opposed. **Motion failed.**
7. WVU Letter regarding ratio language not including students need board response
- Do a reply letter similar to the one attached.
- b) Chiropractor certified in Physiotherapy
- Advised that we don't govern chiropractor and that they are not in violation of our practice act. Refer to chiropractor code.30.16.18 and our statute 30.20.17.10.
- c) OT advertised in PT section of yellow pages
- **Lesleigh** motioned to do a letter to the clinic that according to our title protection in our statute that only a physical therapist can be represented as a physical therapist and since their clinic is advertised under the physical therapist section in the yellow pages that we demand you to remove it (cease and desist). Request them to inform us of their plans to correct this and to send the letter certified. **Jack** seconded with all in favor with **John** abstaining from the vote because he has a clinic in the Morgantown area.
- d) FSBPT October seminar update
1. Considerations for development of Sanctioning Reference Points for Use in Board Disciplinary
    - Lesleigh went over VA's sanctioning points.
    - Lesleigh asked the disciplinary to look through the VA's sanctioning points and to come back to us and give their opinions.
    - The board reviewed WV's disciplinary breakdown of charges and disciplinary
    - The board agreed to put the missing disciplinary on our website.
    - Lesleigh discussed retention policy for cases with no probable cause.
    - **Shannon** motioned to adopt a retention policy for no probable cause cases for 5 years with shredding as destruction. **Jack** seconded with all in favor.
- e) Lesleigh went over the board training updates with the Auditor's office.
- Lesleigh advised that our board was up for legislative audit for 2011
  - The board reviewed WV ethic policies and suggested to make a policy for Board members to review the ethics laws and to sign an acknowledgement.
  - Trish will do an acknowledgement sheet for the Board to sign for next meeting.
  - **Shannon** motioned to adopt the ethics documents: Ethic Act Booklet, Open Meetings Booklet, Voting Provisions of the WV Ethics Act for our ethics policy for current and future board members and to sign an acknowledgement. **Jack** seconded with all in favor.
- f) Approval of budget 2010/11
- **D.C** motioned to approve the budget 2010/11. **Melanie** seconded with all in favor.
- g) Consideration for purchases dollar allowance without getting board approval
- **Lesleigh** motioned to give Trish a dollar amount of \$500 in a 3 month per quarter for purchases without board permission with review of the purchases by the Board at next quarterly meeting. **John** seconded with all in favor.

**V. Shannon motioned to go into Executive Session at 12:32pm to discuss disciplinary& personnel matters. Melanie 2<sup>nd</sup> the motion with all in favor.**

- **Melanie** motioned at 2:18 pm to go out of Executive Session. **Jack** seconded with all in favor.

- a) **Melanie** motioned within 1 week for Trish to investigate a way to clock in and out (track time) whether it be via computer, time clock, or whatever; Trish will also need to investigate within 1 week better ways to do deposits to keep from having to leave the office during office time to make a deposit; and if allowed through the statute, the Board would like deposits to be done once a week during work time that you are there. **Shannon** seconded the motion with all in favor.
- b) The board advised that the deposit total should be verified by Trish and Summar and the deposit slip and the deposit log is double checked with the Summar after the deposit has been made.
- c) **Melanie** motioned that Trish has been aware that Summar and Trish need to take their protected lunch period for 30 minutes every day. **Shannon** seconded the motion with all in favor.
- d) The board requested that by our next quarterly board meeting, Trish investigate the cost of having a financial audit done by an accounting firm and to look into the cost of a fidelity bonds that would protect the board in the event of some sort of financial misconduct on the part of the employees.

## VI. Executive Secretary Report

- a) Board consideration of balance sheets – July, August, September, October, November
  1. The board reviewed the balance sheets
- b) Auditor’s P-card conference update
  1. Board consideration of P-card monthly detail charges from September 2009- November 2010
    - **Lesleigh** motioned to approve P-card charges from September 2009 – November 2010. **D.C.** seconded the motion with all in favor.
  2. Trish explained that P-card charges need to be reviewed quarterly by the board chair
    - **Shannon** motioned to develop P-card policy & procedures and to have the board review at the next quarterly board meeting. **Melanie** seconded the motion with all in favor.
- c) Board consideration of 2009/2010 biennium legislature report
  1. **Melanie** motioned to approve the corrected biennium 2009/2010 report. **D.C.** seconded the motion with all in favor.
- d) Considerations for revision of PT/PTA application & renewal application
  1. PT/PTA revised application and new renewal application
    - The board approved adding “reactivation” to PT/PTA new application
    - The board approved to allow inactive/delinquent instructions online
    - **John** motioned to approve the PT/PTA application with the same changes discussed as athletic trainers applications. **Shannon** seconded the motion with all in favor.
  2. Trish suggested letting the licensees give us their preference of either email or mail for newsletters; the cost would be \$600 to get it setup. Trish advised this would pay for itself for the ones that want to be emailed.
- e) Board consideration of volunteer certificate template
  1. The board approved the volunteer certificate template.
- f) WV License
  1. **Lesleigh** motioned to approve the following software changes:
    - Athletic trainers setup \$650
    - Add disciplinary tab to website \$65
    - Add delete button for pending credit card payments \$140**Shannon** seconded the motion with all in favor.
  2. The board agreed to change “lapsed” language on our licenses to “delinquent” status from here on out and to leave “lapsed” for the past language.
  3. The board agreed to wait until the next board meeting to discuss the fee for setting up the new renewal online application.
  4. Consideration of renewal of yearly contract

- **Lesleigh** motioned to renew WV License contract for 1 year with Trish providing a copy of the contract at the next board meeting. **Jack** seconded with all in favor.
- g) Consideration for applicant procedures
1. Trish suggested adding to the website a way for the applicants to review their status of license.
    - The board decided to put this on hold and bring up at another meeting.
  2. Trish asked if the office could notify fail or pass NPTE via phone or email prior to sending letter.
    - The board advised Trish to not give any test results other than the letter they receive from our office. The board wants Trish to put on the website a notice that test results will not be given out and they will need to wait for the letter in the mail.
- h) Consideration of inactive status policy
1. The board wants to discuss this after the PT/PTA rule has passed.
- i) Considerations of delinquent status after 36 months policy
1. The board advised to do the same process as delinquent status.
- j) Consideration of CE Audit Procedure
1. The board agreed to 5% audit for only 2010 renewals
  2. In first initial letter, put consequences of not having board approved courses.
  3. Any licensee that gets audited and does not have enough board approved courses to be put into delinquent status immediately and must go through the delinquent status to get their license back.
  4. Notify employer if their license is put in delinquent status.
  5. Discuss at the next board meeting for all licensees to show proof of CE's. They can either mail in their CE's or put their CE's information online.
- k) Board consideration for late renewals – mail & online policy
1. Must be postmarked by December 31, 2010 and show proof it was sent to Charleston or Clarksburg address.
  2. Keep returning personal checks.
  3. Because of the move, send a letter, email and call lapse licensees (only once). Call the ones that send personal checks after December 16 and advise that we do not accept personal checks and they can either mail a money order or renew online by December 31, 2010. If they do not renew the license by December 31, 2010, then they will be placed in delinquent status.
  4. The board suggested that we call, email, and send a letter to everyone that has not renewed by December 31 and offer them to pay with credit card. Trish advised that this could be a massive job because there will probably be over 100 people to call. Jack advised that if it gets too crazy, to consult with Lesleigh.
- l) Consideration of TOEFL procedure
1. The board discussed that foreign educated must go through the TOEFL procedure even if they have been working as a PT in another state.
- m) The board agreed that the next newsletter should be sent after the legislature session passes our rule.
- n) Trish discussed that she has not had any luck for finding anything new for license software or scanning.
- o) Trish went over a website where it requires a login to store electronic documents for the Board members to be able to review board meeting documents or other documents. The board agreed that this would not be useful at this time.
  - The board requested to post approved minutes on the website.
- p) Board consideration of printer for office assistant
1. **Jack** motioned to purchase the printer. **John** seconded the motion with all in favor.
- q) Federation Suspension of Foreign Trained
1. Foreign educated testing policy for board consideration
    - Testing begins in May.
    - Trish discussed a letter we received from a foreign applicant requesting our Board to contact FSBPT.
    - Trish discussed a letter from MedPro a US HealthCare staffing company regarding their concern of the FSPBT suspension of testing.

2. ICD requesting the Board to use their credentialing agency.

- **Lesleigh** motioned to stay with ICA and to only use them for credentialing. **Jack** seconded the motion with all in favor.

**VII. Considerations for continuing education guidelines**

a) Jack and John discuss the CE policy changes that the WVPTA suggested.

**VIII. Disciplinary committee report (Jack Spatafore and D.C. Offutt)**

a) Case No. 2008-01 (Original complaint received 04/01/2008, 18months = 10/01/2009)

- No updates

b) Case No. 2010-01 (Original complaint received 03/16/2010, 18 months = 09/16/2011)

- Hearing held October 26

c) Case No. 2010-03 (Original complaint received 7/1/2010, 18 months = 01/01/12)

- Hearing was held November 18, 2010
- License suspended November 5, 2010
- FOIA
- Circuit court order

d) Case No. 2010-04 (Original complaint received 6/10/2010, 18 months = 12/17/11)

- Hearing was held October 26

e) Case No. 2010-05

- Complaint, order & hearing update from Kate.

f) Case No. 2010-06 (Original complaint received 10/19/2010, 18 months = 04/19/12)

- Respondent answered complaint
- Complainant responded to respondent's answer
- Consideration for disciplinary committee's findings
- **Melanie** motioned Kate to send some names to the disciplinary committee so that they can do more investigation. **Jack** seconded the motion with all in favor.

g) Case No. 2010-08 Consideration of anonymous information

- **Melanie** motioned the board to initiate a complaint for an anonymous complaint filed with the Board to begin an investigation. **John** seconded with all in favor.

**IX. Next board meeting is March 16, 2010**

**X. Meeting adjourned at 5:25pm.**