

**DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE
BOARD OF PHYSICAL THERAPY
GENERAL BUSINESS MEETING
BY TELEPHONE CONFERENCE CALL
MARCH 20, 2012
MINUTES**

**Dial-In Number: 1-888-808-6959
Public Conference Code*: 1022351047**

March 20, 2012, 3:00 p.m. EST

The minutes reflect the actual sequence of events rather than the original agenda order.

Call the Meeting to Order and Roll Call:

Mr. Clint Lohr, Chair, called the general business meeting to order at approximately 3:05 p.m. Those present for all or part of the meeting, included the following:

MEMBERS PRESENT

Clint Lohr, Chair, PT, Cert. MDT
Dr. Gina Petraglia, Vice Chair, PT
Violeta Acuna-Parker, MBA, PT
Dr. Madeleine Hellman PT, MHM, Ed.D
Jack Rust, PT

COURT REPORTER

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BOARD COUNSEL

Ed Tellechea, Board Counsel,
Assistant Attorney General Office

STAFF PRESENT

Allen Hall, Executive Board Director
Jessica Sapp, Program Administrator
Amanda Townsley, Regulatory Specialist II
Shinita Miller, Regulatory Specialist II
Marquita Walker, Regulatory Specialist I

Also participating on the call was Dr. Gina Musolino, Associate Professor and Coordinator of Clinical Education with University of South Florida, and Dr. Shelia Nicholson of the Florida Physical Therapy Association.

REQUEST FOR MODIFICATION OF REACTIVATION REQUIREMENTS

Tab 1 Francienna Grant, PT17046

Ms. Grant was present on the call.

Ms. Grant has recently requested reactivation of her Florida physical therapist license. She has submitted several courses that are not approved as they do not meet the requirements in Rule 64B17-9.001. Ms. Grant is requesting the board accept her unapproved courses and reactivate her license.

Mr. Tellechea advised the Board not to act on Ms. Grant's request with out a formal Petition requesting Variance or Waiver of Rule 64B17-5.001. He then advised Ms. Grant to file a petition to be placed on the next Board agenda. No further action was taken.

PETITION FOR VARIANCE OR WAIVER OF RULE

Tab 2 Lana Stevens Physical Therapist Assistant by Endorsement

Ms. Stevens was present on the call.

Ms. Stevens has applied for a Physical Therapist Assistant Licensure by Endorsement. Her score transfer report indicates her exam taken in the State of Massachusetts does not meet the requirements based on the standard deviation of 1.5. She is requesting the Board accept her NPTE score as is.

- Petition for Variance or Waiver of Rule 64B17-3.003

Ms. Stevens withdrew her petition.

- Application by Endorsement

MOTION: After discussion, Dr. Petraglia made a motion to approve Ms. Stevens' application for licensure and to certify her to sit for the Florida Laws and Rules Exam. Upon a passing score on the exam shall be licensed. The motion was seconded by Mr. Rust and carried 5/0.

PERSONAL APPEARANCE PURSUANT TO §456.013(3)(c), F.S.

Tab 3 Sheraz Syed, Physical Therapist by Endorsement

Mr. Syed was present on the call.

Mr. Syed was asked to attend to discuss his education history.

MOTION: After discussion, Mr. Lohr made a motion to approve Mr. Syed's application for licensure and to certify him to sit for the Florida Laws and Rules Exam and upon a passing score on the exam shall be licensed. The motion was seconded by Mr. Rust and carried 4/1. Dr. Petraglia opposed.

Tab 4 Matthew Colosimo, Physical Therapist Assistant by Examination

Mr. Colosimo was present on the call.

Mr. Colosimo was asked to attend to discuss his criminal history.

MOTION: After discussion, Dr. Petraglia made a motion to approve Mr. Colosimo's application for licensure and to certify him to sit for the National Physical Therapy Exam and the Florida Laws and Rules Exam and upon passing scores on the exams shall be licensed. The motion was seconded by Dr. Hellman and carried 5/0.

Tab 5 Marinelle C. Japzon, Physical Therapist by Endorsement

Ms. Japzon was present on the call.

Ms. Japzon was asked to attend to discuss her education history.

MOTION: After discussion, Dr. Petraglia made a motion to approve Ms. Japzon's application for licensure and to certify her to sit for the Florida Laws and Rules Exam and

upon a passing score on the exam shall be licensed. The motion was seconded by Dr. Hellman and carried 5/0.

REQUEST FOR CONSIDERATION OF EXEMPTION FOR DISQUALIFICATION FROM EMPLOYMENT

Tab 6 Lauren Arnold, PTA1068

Ms. Arnold applied for an employment exemption which was granted by Board staff. Based on the documents reviewed, she provided clear and convincing evidence that she will not present a danger if employed within the healthcare field

MOTION: Mr. Lohr made a motion to ratify the exemption. The motion was seconded by Mr. Rust and carried 5/0.

Tab 7 Legislative Update: CS/CS/CS HB 799 (SB1228)

On March 9, 2012 CS/CS/CS HB 799 was passed by the Legislature. If signed by the Governor the bill will allow United States CAPTE graduates to request a temporary permit.

Board staff is seeking the Board's interpretation on the following items:

The effective date of the legislation is June 1, 2012. Staff has no method or provisions for retroactive approvals of requests for temporary permits received prior to the effective date.

Question- Does the Board agree that only requests received on or after June 1, 2012 will be eligible for a permit?

MOTION: Mr. Lohr made a motion to clarify that only requests received on or after June 1, 2012 will be considered. The motion was seconded by Dr. Hellman and carried 5/0.

To be eligible for a temporary permit, subsection 1(b) in both 486.0715 and 486.1065 state:

"Is a graduate of an approved United States physical therapy (assistant) educational program and meets all the eligibility requirements for licensure under ch. 456, s. 486.031(1)-(3)(a), s. 486.102(1)-(3)(a) and related rules, except passage of a national examination approved by the board is not required."

Question- Does the Board interpret this to mean the applicant must pass the Florida Laws and Rules exam and complete Prevention of Medical Errors prior to being issued a temporary permit?

MOTION: Mr. Lohr made a motion to clarify that passage of the Laws and Rules exam is required prior to being issued a temporary permit. Medical Errors is not required prior to being issued a temporary permit. The motion was seconded by Dr. Petraglia and carried 5/0.

Subsection 2 in both 486.0715 and 486.1065 state:

"...A temporary permit is void if the permittee does not pass a national examination approved by the board within 6 months after the date of graduation from a physical therapy training program."

Question- Does the Board agree this means if they fail the exam on their first attempt the temporary permit is void?

MOTION: Mr. Lohr made a motion to clarify that the permittee has six months to pass the national exam from the date of graduation. The motion was seconded by Dr. Petraglia and carried 5/0.

Dr. Petraglia was excused from the meeting at 4:15 p.m.

Proposed Application Revisions

Processing of temporary permits will be a significant increase in staff workloads. In order to successfully absorb this additional workload with existing resources staff is attempting to minimize the additional documentation that must be submitted to the board office. With this goal in mind we propose the following changes.

Subsections 1(d) and (e) require the applicant to demonstrate proof of possessing malpractice insurance and verify they will practice under the direct supervision of a licensed physical therapist. Board staff is proposing revisions to the current application which will allow the applicant to provide this information. The revisions are:

- A new application page (page 6) asking the applicant information pertaining to their malpractice insurance and their supervising PT.
- On page 1 of the application, a checkbox so the applicant can indicate if they are requesting a temporary permit
- On page 8, an additional checklist item
- On page 10, the statement: "If you are requesting a temporary permit, you must take and pass the Florida Laws and Rules exam first."

Ms. Acuna-Parker suggested adding "(see eligibility required on page 6)" to question 1B.

MOTION: Ms. Acuna-Parker made a motion to accept the form as presented with the amendment to question 1B. The motion was seconded by Dr. Hellman and carried 4/0.

Section 486.021(9) "Direct supervision" means supervision by a physical therapist who is licensed pursuant to this chapter. Except in a case of emergency, direct supervision requires the physical presence of the licensed physical therapist for consultation and direction of the actions of a physical therapist or physical therapist assistant who is practicing under a temporary permit and who is a candidate for licensure by examination.

Question- Does the Board agree that the statute and the new Request for Temporary Permit form sufficiently define direct supervision requirements without the need for additional rulemaking?

MOTION: Mr. Lohr made a motion that no additional rulemaking is necessary. The motion was seconded by Ms. Acuna-Parker and carried 4/0.

There being no further business, the meeting adjourned at 4:30 p.m.