



STATE OF MICHIGAN

RICK SNYDER  
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF HEALTH CARE SERVICES

STEVE ARWOOD  
DIRECTOR

## **MICHIGAN BOARD OF PHYSICAL THERAPY MEETING OCTOBER 15, 2013 APPROVED MINUTES**

In accordance with the Open Meetings Act, 1976, PA 267, as amended, the Michigan Board of Physical Therapy met in regular session October 15, 2013, at the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center, Conference Room 4, Lansing, Michigan.

### ***CALL TO ORDER***

Jill Marlan, PT, Chairperson, called the meeting to order at 1:37 p.m.

### ***ROLL CALL***

***Members Present:*** Jill Marlan, PT, Chairperson  
Andrew May, PT, Vice Chairperson  
Brian Gilbert, PT  
David Goldenbogen, PT (arrived at 1:42 p.m.)  
Vijay Kumar, DPT  
Ajay Middha, DPT  
Barbara Simmons, PTA  
Ginger Smietana, Public Member (arrived at 1:42 p.m.)  
Linda Minter, Public Member (arrived at 1:40 p.m.)

***Members Absent:*** Mecha Crockett, Public Member  
Mark Epolito, Public Member

***Staff Present:*** Shellayne Grimes, Secretary, Policy, Rules and Board Support  
Norene Lind, Board Manager, Policy, Rules and Board Support  
Elaine Barr, Policy Analyst, Policy, Rules & Board Support  
Bridget Smith, Assistant Attorney General

***Others Present:*** Sue Talley, President, Michigan Physical Therapy Association  
Jake Jakubiak Kovacek, Michigan Physical Therapy Association  
Laura LoVasco, Michigan Physical Therapy Association  
Cindy Pfalzer, Michigan Physical Therapy Association  
Gina Otterbein, Michigan Physical Therapy Association

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## ***APPROVAL OF MINUTES***

*MOTION* by Simmons, seconded by Gilbert, to approve the minutes of the April 16, 2013 meeting, with the following amendments:

Under "APPROVAL OF MINUTES," the second paragraph is to be removed.

Under "OLD BUSINESS, Draft Administrative Rules," paragraph four (4) should read as follows:

Marlan read aloud a letter she received from a consumer who was not satisfied with services rendered. She was advised by Lind and Mitchell that the addition of a rule to require PTs to inform customers of the credentials of other individuals working with patients **in a PT office** is beyond the authority granted in statute, per the legal advice of the Office of Regulatory Reinvention. She was also advised that there are current complaint procedures in place for patients who believe they have received sub-standard care.

*MOTION PREVAILED*

## ***APPROVAL OF AGENDA***

*MOTION* by Simmons, seconded by May, to approve the agenda, with the following amendments:

Under "NEW BUSINESS", Item 9B, "Advisory Committee on Pain and Symptom Management (ACPSM) Presentation" to be removed and replaced by "FSBPT Conference Update."

*MOTION PREVAILED*

## ***REGULATORY CONSIDERATIONS***

None

## ***COMMITTEE REPORTS***

### **CHAIRPERSON'S REPORT**

Marlan reported that she attended the Federation of State Board of Physical Therapy (FSBPT) Conference in San Antonio, Texas October 10-13, 2013. She recognized Kumar for receiving "The Outstanding Service Award" at the Conference his current volunteer work as a Continuing Competence Certification Reviewer for Pro Cert. Board members congratulated him. Also in attendance at the Conference were Kumar, Gilbert and Lind.

Marlan stated that there were very informative topics that were presented at the FSBPT such as dry needling, Medicare issues, and different methods utilized in other states for board sanctioning.

Marlan read the ground rules for communication at board meetings that she obtained from the FSBPT Conference and asked that similar communication ground rules be applied for this meeting.

## **OLD BUSINESS**

None

## **NEW BUSINESS**

### **REVIEW OF ADMINISTRATIVE RULES**

A lengthy discussion was held by the Board suggesting language changes to specific portions of the draft Administrative Rules, dated May 17, 2013. In particular, Board members had questions about the implications of rescinding R 338.7150. Smith and Barr clarified the applicability of delegation and supervision, differentiating between the delegation of scope of practice functions and academic/administrative functions.

Lind distributed a letter entitled "Appropriate delegation of physical therapy services in Michigan," which she received this morning from the Michigan Physical Therapy Association (MPTA). The letter contained two suggestions, the first of which was addressed in the previous discussion of PTA delegation. The Board decided not to accept the second recommendation regarding the delegation of interventions. The MPTA may submit any further suggestions for rule amendments during the public hearing phase of the rulemaking process.

Gilbert asked the Board to consider adopting the FSBPT's recommendation regarding the TOEFL exam. The Board discussed whether or not minimum test scores should apply to a single test administration or continue to apply to multiple test administrations. The Board decided not to change the draft rule as written.

Gilbert asked the Board to consider revising two rules related to the number of times applicants taking the licensing examinations for PTs and PTAs can re-test. Because the FSBPT will change its testing policy to limit applicants to six (6) test attempts, Gilbert suggested that R 338.7134(2) and R 338.7146(2) be modified as follows: Change "without limitation" to "consistent with FSBPT standards."

*MOTION* by Smietana, seconded by Gilbert, to accept the Administrative Rules, as amended, adopting the language of the FSBPT for R 338.7134(2) and R 338.7146(2).

*MOTION PREVAILED*

Marlan and Kumar stated that development of rules took four (4) years to accomplish. Board members were pleased that they were able to accomplish this feat while the current Board was seated. Middha stated that when the new continuous professional development rules are in place, it will improve the standards for practitioners in Michigan. Lind stated that the rule promulgation process could take up to one (1) year to complete from this point.

## **2013 FSBPT CONFERENCE UPDATE**

Gilbert supports the FSBPT delegation vote to limit the number of examination attempts. Lind noted that with the six-attempt limitation, the FSBPT believes that 98% of the test takers will pass the test.

Gilbert also updated the Board on several conference topics, including:

- Portability of licensure; interstate compacts
- The difficulty for the public in finding complaint procedures on the LARA website
- Medicaid Fraud and abuse (Michigan is ranked number 4 for fraud abuse.)

Lind noted several interesting presentations she attended, including:

- Expressed, Implied, and Limited Powers of Boards when issuing advisory statements
- Discussion of whether or not the designation of PT should be changed to DPT
- A session to promote dry needling, as well as a session that discussed lawsuits in several states on this topic

Marlan reported the number of states that have approved dry needling (33), versus the number of states in which the practice is not allowed or pending. Georgia has changed their statute to allow the practice.

## **Department Update**

None

## ***PUBLIC COMMENT***

Sue Talley, President of the Michigan Physical Therapy Association, stated that she appreciated the thoughtfulness of the discussion and interpretation of the rules. She cautioned against the idea of changing the professional designation from PT to DPT, noting that the DPT academic designation may lead to confusion. She believes the professional designation should remain as Physical Therapist.

Talley also apologized for the late notice for sending the Memo that was presented to the Board today.

Jake Jakubiak Kovacek, representing the MPTA, thanked the Board and asked when the draft rules would be available on line.

Cindy Pfalzer, representing the MPTA, noted that her organization has provided opportunities for continuing education for a long time. She offered to share information with Board members regarding MPTA offerings.

Marlan thanked the Board's attorney representatives for their assistance in clarifying the delegation and supervision rules.

## **ANNOUNCEMENTS**

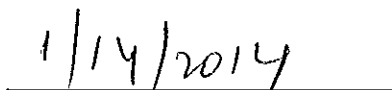
The next regularly scheduled meeting will be January 14, 2014 at 1:30 p.m. at the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center (UL), Conference Room 3, and Lansing, Michigan.

## **ADJOURNMENT**

The meeting was adjourned at 3:32 p.m.

  
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Jill Marlan, PT, Chairperson

  
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Shellayne Grimes, Board Secretary

  
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Date Minutes Approved

  
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Date Minutes Prepared