



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 APRIL 16, 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 April 16, 2013, at the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center, Conference Room 1, Lansing, Michigan.

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

Jill Marlan, PT, Chairperson, called the meeting to order at 1:35 p.m.

### ***ROLL CALL***

***Members Present:*** Jill Marlan, PT, Chairperson  
Andrew May, PT, Vice Chairperson  
Mecha Crockett, Public Member  
Brian Gilbert, PT  
David Goldenbogen, PT  
Vijay Kumar, DPT  
Ajay Middha, DPT  
Barbara Simmons, PTA  
Mark Epolito, Public Member  
Ginger Smietana, Public Member

***Members Absent:*** None

***Staff Present:*** Shellayne Grimes, Secretary, Policy, Rules and Board Support  
Norene Lind, Board Manager, Policy, Rules and Board Support  
Desmond Mitchell, Policy Analyst, Policy, Rules & Board Support  
Joe Campbell, Enforcement Director (left at 3:40 p.m.)  
Graham Filler, Assistant Attorney General  
Andrew Hudson, Assistant Attorney General

***Others Present:*** Sue Talley, President, Michigan Physical Therapy Association  
Jake Jakubiak Kovacek, Michigan Physical Therapy Association

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Marcella Dwyer, Michigan Physical Therapy Association  
Karin Crute, Michigan Physical Therapy Association  
David Perry, FECPT  
Jeffrey Rosa, FSBPT  
Heidi Paakkonen, FSBPT  
Holly Lookabaugh-Deur, MPTA/Generation Care

## **APPROVAL OF MINUTES**

*MOTION* by May, seconded by Simmons, to approve the minutes of the January 15, 2013 meeting, as presented.

*MOTION PREVAILED*

Marlan requested clarification of the minutes, as to whether or not there would be additional advice from the Attorney General's (AG) Office regarding "Dry Needling." Mitchell informed that there will be no further advice issued from the AG's Office, as the outcome remains unchanged. Dry Needling is not within the scope of practice of physical therapy.

## **APPROVAL OF AGENDA**

*MOTION* by Goldenbogen, seconded by Simmons, to approve the Agenda, as presented.

*MOTION PREVAILED*

## **REGULATORY CONSIDERATIONS**

None

## **COMMITTEE REPORTS**

### **CHAIRPERSON'S REPORT**

Marlan reported that she attended the spring Michigan Physical Therapy Association conference in East Lansing, MI on March 22-23, 2013.

Marlan requested website information regarding pain and symptom management also include physical therapy.

## **OLD BUSINESS**

### **DRAFT ADMINISTRATIVE RULES**

Mitchell updated the Board on the Administrative Rule changes. He referred to a new memo and draft dated April 16, 2013. Changes were requested by the Office of Regulatory Reinvention (ORR). Mitchell pointed out that there are two substantive changes; one pertaining to R 338.7150 which is in conflict with the Public Health Code's requirements regarding delegation and supervision. Since a physical therapist assistant license is a subfield license, MCL 333.16215(1) prohibits a physical therapist assistant from delegating to and supervising an unlicensed individual. Therefore, R 338.7150 is in conflict with MCL 333.16215(1) and will be rescinded.

The second substantive change is pertains to R 338.7123. The revision requires the Disciplinary Subcommittee to consider specific factors and utilize objective criteria when assessing a fine in a disciplinary action. Also, the use of fines will help to cover the increasing cost of regulating the profession.

Mitchell stated that the rule promulgation process could take up to 1-1/2 years to complete. Mitchell informed that he will send out an email to schedule a Rules Committee conference call. It is hoped that the Administrative Rules can be voted on at the next board meeting on July 9, 2013.

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.

### **Board and Department Roles**

Lind passed out a handout entitled "Role and Authority of the Department/Role and Authority of the Board." She informed that she is reviewing the charge of every committee. Further, Lind shared a memo and PowerPoint presentation for board review.

## **NEW BUSINESS**

### **Resolution**

*MOTION* by Smietana, seconded by May, to honor the following departing Board Member with a Resolution: Sean Handler.

*MOTION PREVAILED*

## **FSBPT – 2013 Annual Meeting – Delegate and Alternate Delegate**

Lind suggested that if any board members are interested in attending the 2013 Annual Federation of State Boards of Physical Therapy Meeting in San Antonio, Texas October 10-13, 2013 to email Marlan soon. Marlan and Lind will work together to determine who will attend the meeting as the primary and alternate delegates.

## **FSBPT – CPD Presentation**

An informative FSBPT – CPD presentation was provided by Heidi Herbst Paakkonen. The presentation offered strategies and solutions to help licensees stay in compliance. She explained the ApPTitude and ProCert programs. For more information, board members were directed to the FSBPT website at [www.continuingcompetence.org](http://www.continuingcompetence.org).

## **Department Update**

Lind reported that effective April 1, 2013, the Bureau will research the investigation and disciplinary costs associated with each professional license and include the information with the documents that are provided to the Disciplinary Subcommittees (DSCs). The Department expects that the DSC will consider these costs when assessing fines.

## **PUBLIC COMMENT**

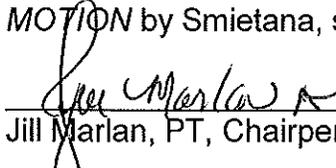
Sue Talley, President of the Michigan Physical Therapy Association, asked the board to consider R 38(2) and 39(2), pertaining to the general or direct supervision. She also noted the charge and composition of the Advisory Committee on Pain and Symptom Management and stressed the importance of including physical therapy. Finally, she said that the proposed rule revision will likely impact PTA supervision of PTA students.

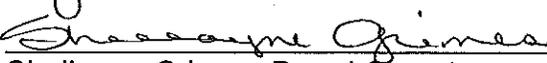
## **ANNOUNCEMENTS**

The next regularly scheduled meeting will be July 9, 2013 at 1:30 p.m. at the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center (UL), Conference Room 4, and Lansing, Michigan.

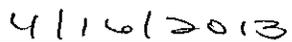
## **ADJOURNMENT**

**MOTION** by Smietana, seconded by May, to adjourn the meeting at 4:07 p.m.

  
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Jill Marlan, PT, Chairperson

  
\_\_\_\_\_  
Shellayne Grimes, Board Secretary

  
\_\_\_\_\_  
Date Minutes Approved

  
\_\_\_\_\_  
Date Minutes Prepared