



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF HEALTH PROFESSIONS  
RAE RAMSDELL  
DIRECTOR

STEVEN H. HILFINGER  
DIRECTOR

## **MICHIGAN BOARD OF PHYSICAL THERAPY MEETING JULY 17, 2012 APPROVED MINUTES**

In accordance with the Open Meetings Act, 1976, PA 267, as amended, the Michigan Board of Physical Therapy met in regular session July 17, 2012, at the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center, Conference Room 3, Lansing, Michigan.

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

Jill Marlan, PT, Chairperson, called the meeting to order at 1:31 p.m.

### ***ROLL CALL***

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

***Members Absent:*** Mecha Crockett, Public Member  
Mark Epolito, Public Member  
David Goldenbogen, PT  
Sean Handler, Public Member

***Staff Present:*** Christine Hanson, Board Secretary, Health Regulatory Division  
Norene Lind, Policy Manager, Health Regulatory Division  
Desmond Mitchell, Policy Analyst, Health Regulatory Division  
Kelly Hugh, Policy Analyst, Health Regulatory Division  
Robert Jenkins, Assistant Attorney General  
Heidi Johnson, Assistant Attorney General  
Danielle Burk, Analyst, Health Regulatory Division

**Others Present:** Jake Jakubiak Kovacek, Michigan Physical Therapy Association  
Jill Sullivan, Michigan Physical Therapy Association  
Kris Thompson, Michigan Physical Therapy Association  
David Perry

## ***APPROVAL OF MINUTES***

*MOTION* by Simmons, seconded by Smietana, to approve the minutes of the April 17, 2012 meeting as presented.

*MOTION PREVAILED*

## ***APPROVAL OF AGENDA***

*MOTION* by Simmons, seconded by Gilbert, to approve the Agenda with the following amendment:

Under **New Business**, add item 8B. HPRC Representative; and item 8C. FSBPT Representative.

*MOTION PREVAILED*

## ***REGULATORY CONSIDERATIONS***

**Ram Chand Arora, PT – Proposal for Decision/Board's Findings of Fact and Conclusions of Law**

*MOTION* by Smietana, seconded by May, to untable the matter of Ram Chand Arora, PT.

*MOTION PREVAILED*

*MOTION* by Smietana, seconded by May, to accept the Board's Findings of Fact and Conclusions of Law and deny reinstatement in the matter of Ram Chand Arora, PT.

Discussion was held.

A roll call vote followed: Yeas – Middha, Kumar, May, Gilbert, Simmons, Smietana, Marlan

*MOTION PREVAILED*

## **COMMITTEE REPORTS**

### **RULES COMMITTEE**

Marlan stated that May is the Chair of the Rules Committee. Mitchell stated that the Bureau is waiting for the Office of Regulatory Reinvention to approve the Request for Rulemaking. Once approved, he will share modified draft rules with the Rules Committee.

Lind will provide a presentation on the rulemaking process at a future meeting.

### **CHAIRPERSON'S REPORT**

Marlan stated that the allegation cases she reviewed involved FSBPT test breaches and PTAs. She reviewed six (6) cases as Conferee, and an additional case this morning. Additional discussion was held regarding FSBPT test breach fines.

Marlan also reported the FSBPT has set the fixed testing dates for July and October 2012, as well as January, April, July, and October of 2013.

## **OLD BUSINESS**

### **DRY NEEDLING**

Marlan stated that Ramsdell has submitted a formal request to the Attorney General's office, seeking an opinion regarding dry needling, and she awaits a response.

### **Federation of State Boards of Physical Therapy (FSBPT) Board Member Training Recap**

Middha, Gilbert, and Kumar shared their experiences as attendees of the FSBPT Board Member Training Meeting, June 21-23, 2012, in Alexandria, VA.

## **NEW BUSINESS**

### **Department Update**

Lind shared a memorandum entitled, "Legislative Update," which summarized recent public acts, Senate bills, and House bills.

### **HPRC Representative**

*MOTION* by May, seconded by Simmons, to appoint Susan Talley, PT, DPT, C/NDT, as the Board's representative on the Health Professional Recovery Committee.

Discussion was held.

A roll call vote followed: Yeas – Gilbert, Kumar, May, Middha, Simmons,  
Smietana, Marlan

*MOTION PREVAILED*

### **FSBPT Representative**

Marlan and Lind will work together to select two Board members who will represent the Michigan Board of Physical Therapy at the FSBPT Annual Meeting, September 20-22, 2012, in Indianapolis, Indiana. The FSBPT will sponsor the attendance of a delegate and alternate delegate, as well as a Board Administrator.

## ***PUBLIC COMMENT***

Jake Jakubiak Kovacek of the Michigan Physical Therapy Association gave a brief overview of HB 4603 and HB 5233-5236, noting the following points:

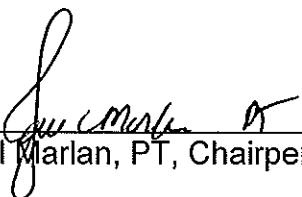
- Tie barred bills are voted on together, not individually. All five bills will either pass or fail in one vote.
- These bills permit third party payers to continue to require a prescription/referral for physical therapy, should they so desire. This is their current practice, and HB 4603 does not change this practice. Therefore, third party payer concerns that HB 4603 will increase costs are unfounded as a result of these tie-barred bills.

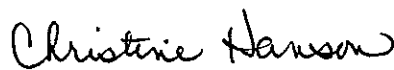
## ***ANNOUNCEMENTS***

The next regularly scheduled meeting will be October 16, 2012 at 1:30 p.m. at the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center (UL), Conference Room 3, Lansing, Michigan.

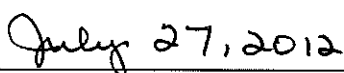
## ***ADJOURNMENT***

*MOTION* by Simmons, seconded by Kumar, to adjourn the meeting at 2:28 p.m.

  
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Jill Marlan, PT, Chairperson

  
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Christine Hanson, Board Secretary

  
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Date Minutes Approved

  
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Date Minutes Prepared