



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 APRIL 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 April 17, 2012, 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 1:34 p.m.

### ***ROLL CALL***

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

***Members Absent:*** Mecha Crockett, Public Member  
Ajay Middha, DPT

***Staff Present:*** Christine Hanson, Board Secretary, Health Regulatory Division  
Amy Schneider, Board Secretary, Health Regulatory Division  
Rae Ramsdell, Director, Bureau of Health Professions  
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  
Graham Filler, Assistant Attorney General  
Danielle Burk, Analyst, Health Regulatory Division  
Ann Ward-Fuchs, Health Regulatory Division

**Others Present:** Jake Jakubiak Kovacek, Michigan Physical Therapy Association  
Jill Sullivan, Michigan Physical Therapy Association  
Lucinda Pfalzer  
David Perry  
Ram Arora

## ***APPROVAL OF MINUTES***

*MOTION* by Handler, seconded by Kumar, to approve the minutes of the January 17, 2012 meeting with the following correction:

Under **Roll Call**; it is noted that Simmons arrived at 1:37 p.m.

*MOTION PREVAILED*

## ***APPROVAL OF AGENDA***

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

*MOTION PREVAILED*

## ***COMMITTEE REPORTS***

### **RULES COMMITTEE**

Marlan stated that the administrative rules regarding delegation and overlapping scope of practices with athletic trainers will stand as stated. She remarked about the Board progressing forward regarding continuing education requirements either through continuing professional development (CPD) or traditional continuing education.

### **CHAIRPERSON'S REPORT**

Marlan advised that she appointed May to assist her with reviewing allegations. She stated that the majority of allegations being reviewed pertain to challenges against physical therapist's working on sidelines at games and issues with home health care fraud.

## ***OLD BUSINESS***

### **DRY NEEDLING**

Ramsdell stated that dry needling is not addressed within the public health code and would require legislative change to add dry needling to the professions scope of practice. She cautioned board members to refrain from becoming actively involved in legislative policy.

Until an Attorney General opinion is issued, Board members and staff should rely on national organizational standards when considering regulatory cases involving dry needling.

Ramsdell will submit a formal request to the Attorney General's office seeking an opinion regarding dry needling. She will present the response and an FAQ to the Board.

### **FAQ Regarding Physical Therapist Supervision of Athletic Trainers**

Mitchell provided a handout-out that explained the Department's position regarding appropriate supervision of athletic trainers in a physical therapist setting, identifying factors that physical therapists and athletic trainers need to consider. A question and answer session followed. The response will be posted as an FAQ on the Department's website.

## ***NEW BUSINESS***

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

Marlin announced that Gilbert and Middah will be attending the administrator training. Kumar will serve as alternate. Lind informed that travel authorization paperwork is required to be filled out prior to the training. She asked that participants provide her with specifics when FSBPT provides them with their travel arrangements.

### **Department Update**

Ramsdell announced that the recommendations from the Occupational Licensing Advisory Rules Committee established by the Office of Regulatory Reinvention (ORR) have been released. She stated that ORR recommends deregulation of 18 occupations and elimination of 9 occupational boards. She advised that the physical therapy profession is not being considered for deregulation.

## ***REGULATORY CONSIDERATIONS***

### **Ram Chand Arora, PT – Proposal for Decision/Reinstatement**

*MOTION* by Smietana, seconded by Handler, to accept in part and reject in part the findings of fact and conclusions of law and table for rewrite in the matter of Ram Chand Arora, PT.

Discussion was held.

A roll call vote followed: Yeas – Handler, Epolito, May, Gilbert, Simmons, Smietana,  
Goldenbogen, Marlan  
Nays – Kumar

*MOTION PREVAILED*

## **PUBLIC COMMENT**

Jack Jaffe spoke on behalf of his client, Ram Arora.

David Perry commended Board members on their deliberation of the Ram Arora regulatory case. He suggested that Board members review the ORR recommendations and cited specific recommendations (A4, A8, D6 and D11). He referenced Rule 34, citing issues that students in their last year of a physical therapist program may encounter when applying for licensure, due to NPTE's fixed testing dates.

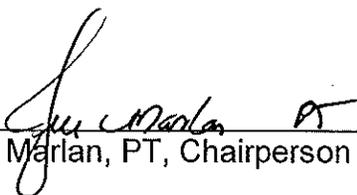
Jake Jakubiak Kovacek thanked Perry for his remarks regarding Rule 34 and inquired about the ORR recommendations.

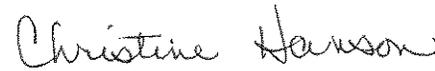
## **ANNOUNCEMENTS**

The next regularly scheduled meeting will be July 17, 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 Handler, seconded by Kumar, to adjourn the meeting at 3:12 p.m.

  
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Jill Marlan, PT, Chairperson

  
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Christine Hanson, Board Secretary

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

  
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Date Minutes Prepared