

P E N N S Y L V A N I A  
STATE BOARD OF  
**PHYSICAL THERAPY**  
NEWSLETTER

SUMMER 2007



COMMONWEALTH  
OF PENNSYLVANIA

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**Governor's Newsletter**

Sign up now at [www.governor.state.pa.us](http://www.governor.state.pa.us)  
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Governor Rendell on important issues facing Pennsylvania.

## The Role of the Commissioner on the Board

*by Basil Merenda, Commissioner, Bureau of Professional and Occupational Affairs*

The Bureau of Professional and Occupational Affairs (BPOA) touches the lives of millions of Pennsylvanians each day. We protect the health, safety and welfare of the public from fraudulent and unethical practitioners by administering professional licensing to physicians and cosmetologists to accountants and funeral directors. In addition, the bureau provides administrative and legal support to 27 professional and occupational licensing boards and commissions.

As commissioner of the BPOA, I am responsible for administering the commonwealth's licensing boards, sitting as a voting member on disciplinary cases and policy matters for 25 of the 27 boards and signing all licenses issued by the BPOA.

My administrative duties include working with the deputy commissioner to make "the trains run on time." In BPOA's case, it means making sure license renewals, applications and inquiries are properly handled by our staff. It also involves making sure that where appropriate, reciprocal licenses requested from out-of-state individuals are properly reviewed. BPOA is also required to conduct reviews of education programs for some boards.

My duties as a voting member on 25 of the 27 licensing boards are the same duties and obligations that the professional and public members have as part of their service on our licensure boards. I act as a judge, along with the other board members, on disciplinary hearings. I participate with the other

board members in the drafting and enactment of regulations, rules and other policy initiatives. In addition, I have the responsibility of coordinating policy matters of all 27 boards for Governor Edward G. Rendell.

I truly believe the most important thing I can do for you is to provide you with professional service – and that is my goal.

When Governor Rendell appointed me BPOA commissioner, he told me to make BPOA and the commonwealth's 27 licensing boards more accessible, responsive and accountable to the legislature, the licensees and the public we are sworn to protect. My pledge to you is that I, as commissioner, am working to carry out Governor Rendell's charge with intelligence, vigor and effectiveness.

If I can be of any assistance, please do not hesitate to reach out and contact my office at any time.

## Role of the Public Member

Two people represent the public at large on the State Board of Physical Therapy. The public members are not affiliated in any way with the physical therapy profession. Like all board members, their role is to protect the safety and welfare of the public.

The public members often take the perspective of the consumer. They ask questions and offer insight that can facilitate more discussion and clarification on issues. They represent the public when judging the conduct of professional licensees and proposed disciplinary actions.

Public members are required to attend training sessions sponsored by the Bureau of Professional and Occupational Affairs. Training sessions provide information on regulatory process, complaints, investigations, legal issues and ethical responsibility. This knowledge helps the public member effectively contribute to the board and reinforces the responsibility of serving the citizens of the commonwealth.

**UPCOMING  
2007 MEETING DATES**  
(Dates subject to change)

**Sept. 27**  
**Nov. 29**

## Continuing Education Now Required to Maintain Certificate of Authorization for Direct Access

The requirements of the following regulation must be satisfied by each certificate holder during the 24 months preceding the second and subsequent renewals of the certificate. Persons who have now renewed their certificate for the first time must complete the CE prior to the next renewal in 2008. Note that a certificate is issued in addition to your PT license. The certificate does not replace your PT license and is not valid unless you maintain a current PT license. CE is not required to renew a PT or PTA license. Both the license and certificate expire on Dec. 31 of each even-numbered year.

### § 40.63. Continuing education

#### (a) Definitions

The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

*Certificateholder*—A licensed physical therapist who holds a certificate of authorization to practice physical therapy without a referral.

*Contact hour*—A unit of measure equaling 60 minutes of participation in an approved continuing education course or program.

#### (b) Continuing education requirement for renewal of certificate of authorization

Beginning **after** the first renewal of the certificate of authorization, as a condition of certificate renewal, a physical therapist shall have completed during the preceding biennium a minimum of 20 contact hours of physical therapy continuing education

related to keeping the certificateholder apprised of advancements and new developments in the practice of the physical therapy profession. At least 10 of the 20 contact hours shall be in evaluative procedures to treat a person without a referral.

#### (c) Reports to the board

A certificateholder shall certify compliance with the continuing education hours requirement at the time of biennial renewal of the certificate. A certificateholder shall retain, for at least four years, certificates, transcripts or other documentation showing completion of the prescribed number of hours. These records are subject to audit by the board.

#### (d) Approved sponsors; acceptable courses and programs

(1) Courses and programs provided by board-approved sponsors will be accepted as satisfying the continuing education requirement. It is the responsibility of the certificateholder to ascertain the approval status of the sponsor before undertaking a continuing education activity.

(2) Irrespective of the sponsor, the board reserves the right to reject a continuing education course or program submitted by a certificateholder if it is outside the scope of practice of physical therapy. The board will not accept courses or programs which are unrelated to the actual practice of physical therapy—for example, instruction in office management or practice building. A certificate holder will be notified of a rejected course or program in writing, along with the reason for the rejection.

*Continued on page 6*

### Reminder...

## Renew Your License Online

#### You are eligible to renew online if:

- You are currently in your license renewal period
- Your license is delinquent by no more than 30 days

#### First-time users need the following information:

- Pennsylvania License Number
- Registration Code
- Current mailing address
- Credit Card information
- E-mail address
- Continuing Education information

Go to the Department's Web site at  
[www.dos.state.pa.us](http://www.dos.state.pa.us)

Click on RENEW a Professional License  
([www.myLicense.state.pa.us](http://www.myLicense.state.pa.us)).

Then simply follow the instructions  
to renew your license online.

## How to File a Complaint

If the practice or service provided by a licensee or registrant of a board or commission is believed to be unethical, immoral, below an acceptable standard of practice or out of the scope of the profession, a Statement of Complaint Form should be filed with the Department of State.

### **Please note the following guidelines before completing and submitting the Statement of Complaint Form.**

- The Department will not involve itself in a monetary dispute unless it involves an allegation that services were billed for, but were not rendered -- or if there is evidence of other billing or insurance fraud.
- The Department cannot act as a court of law to impose prison sentences or to order a person to make monetary restitution. This can only be achieved through the services of an attorney in a civil or criminal court proceeding.
- Decisions about whether or not to prosecute cases are constrained by the applicable licensing laws, rules and regulations, which set forth specifically enumerated offenses for which the licensing boards and commissions may impose discipline on a licensee. If offensive conduct or activity does not fit within any specifically enumerated offense, disciplinary action cannot be filed against the licensee because the activity is not within the applicable board or commission's jurisdiction
- If you file a complaint, you may be required to attend a formal hearing and provide testimony in support of your complaint should a decision be made to file formal charges against a licensee.

### **There are several ways to file your complaint**

- You may complete and submit a Statement of Complaint Form online at [www.dos.state.pa.us](http://www.dos.state.pa.us). Please note that any documents or attachments in support of your complaint must be sent **BY MAIL** to the Professional Compliance Office, using the instructions included with the online form. Attachments cannot be sent electronically.
- You may download and print the Statement of Complaint Form at [www.dos.state.pa.us](http://www.dos.state.pa.us). Be sure to include any attachments and supporting documents (legible copies, no originals) that you wish to provide in support of your complaint. You may then return the form by mail.
- You may request a Statement of Complaint Form by mail, by calling the Professional Compliance Office Hotline at 1-800-822-2113 (if you are calling from within Pennsylvania) or at 1-717-783-4854 (if you are calling from outside Pennsylvania). Return the completed Complaint Form to the Professional Compliance Office at: Department of State, Professional Compliance Office, PO Box 2649, 2601 North Third Street, Harrisburg, PA 17105-2649. Be sure to include any attachments and supporting documents (legible copies, no originals) that you wish to provide in support of your complaint.

Upon receipt of your completed Statement of Complaint Form (and any supporting documentation you wish to submit), the Professional Compliance Office will review the information to ensure that the complaint is within the Department's jurisdiction, and we will send you a written acknowledgment. Unfortunately, due to the large number of cases that we process, we are unable to provide regular status reports or updates. You will, however, be notified of the final disposition of your complaint.

## How complaints are handled

When a completed Statement of Complaint Form within our jurisdiction is received, a file is opened and forwarded to a legal assistant who reviews it and determines whether or not an investigation is required. In making this determination, the legal assistant may confer with a prosecuting attorney in the Department's Legal Office.

Some complaints contain within themselves all the information that is necessary to determine whether a violation of the licensing law has occurred, and those complaints do not require investigation. Most complaints, however, involve issues of credibility, require that witnesses be interviewed, and/or require that documents, including medical records or contracts, be obtained for review by the Legal Office. Those complaints will be forwarded to the Department's Bureau of Enforcement and Investigation with a request that our investigators obtain the necessary information to enable us to determine whether disciplinary charges should be filed against the licensee against whom the complaint was made. Investigations can take anywhere from a few days to several months, depending on the complexity of the case.

Once the investigation is complete, the Bureau of Enforcement and Investigation forwards the investigation report to the Professional Compliance Office, which sends the matter to a prosecuting attorney for review and determination as to whether or not formal disciplinary charges should be filed. If there is not enough evidence to warrant the filing of a disciplinary action, the case is closed. The prosecuting attorney sends a letter to the Complainant notifying the Complainant of that action.

If the evidence supports the filing of formal disciplinary charges against the licensee, the prosecuting attorney initiates the action by preparing an Order to Show Cause. The Order to Show Cause sets forth allegations and directs the licensee (Respondent) to file a written Answer to those allegations within 30 days.

After the Respondent files an Answer, the matter is generally scheduled for hearing. If the matter is scheduled for hearing, the case is heard and a decision, known as an Adjudication and Order, is rendered, usually within six months after the evidentiary record has been closed. If the Respondent is unhappy with the outcome, he or she may appeal the decision to Commonwealth Court.

Some matters are amenable to settlement by means of a legal document known as a Consent Agreement and Order. Either party, the Commonwealth or the Respondent, may approach the other about a possible settlement. In reaching a settlement, the parties negotiate the facts to which they will agree for the purposes of settlement and also negotiate an agreed-upon penalty that they believe will be acceptable to the applicable licensing board or commission. All Consent Agreements and Orders must be presented to and approved by the applicable licensing board or commission in order to become final.

Final Adjudications and Orders and board-approved Consent Agreements and Orders generally represent disciplinary action of some sort against a licensee or an unlicensed individual. All disciplinary actions become a permanent part of the licensee's record on file with the respective board or commission. Disciplinary actions are a matter of public record, are posted online at [www.dos.state.pa.us](http://www.dos.state.pa.us) and are subject to release by the Department of State's Office of Communications and Press to various news agencies in the commonwealth.

## Continuing Education

*Continued from page 3*

(3) Sponsors of physical therapy continuing education seeking board approval shall submit an application on forms provided by the board and pay the required fee. The applicant will be notified of approval or disapproval in writing. Notifications of disapproval will set forth reasons. The board will not approve a sponsor unless it:

- (i) Offers courses or programs, or both, with specific learning objectives geared to improve the professional competence of the participant.
- (ii) Verifies attendance of the course.
- (iii) Provides each attendee with a certificate which includes participant's name, date, place, course title, presenter and number of contact hours.

(4) The board may withdraw approval of a sponsor for cause. The sponsor will be notified in writing of the reasons for withdrawal of approval.

### **(e) Distance education**

A certificateholder may accrue all required hours in distance education courses offered by approved sponsors of continuing education as long as the course sponsor evaluates and assesses the extent of learning that has taken place.

## REMINDERS

**Licensees must contact the board office with any changes in name or address.**

Name changes require a copy of a court order, marriage certificate, divorce decree or other official document.

**Licensees must also notify the board within 90 days if another state board takes disciplinary action against them.** Criminal convictions must be reported to the board within 30 days.

**Mail information to:**

**State Board of Physical Therapy, PO Box 2649, Harrisburg PA 17105-2649**

## Right-to-Know Act and Home Addresses

The Bureau of Professional and Occupational Affairs is sensitive to its licensees' concerns about personal privacy. However, the Pennsylvania Right-to-Know Act, 65 P.S. § 66.1, mandates release of information contained in a "public record" stored by that agency if a member of the public requests it.

The bureau will take all reasonable steps to safeguard personal information contained in your licensure records. We realize that many of you use your home address on the licensure records maintained by the bureau. However, given the uncertainty over what the Right-to-Know Act requires, neither the bureau nor the board that issues your license can guarantee the confidentiality of the address shown on your licensing record. Therefore, we recommend that if you have a personal security concern, you might want to consider what many of our licensees have already done: use a business address or box number as the official address on licensure records.

Also, with the License 2000 computer system, you may indicate to the board an address for release to the public that may be different from your home address.

To further protect your privacy and identity, the bureau will only accept a request to change a licensee's address if it is submitted in writing and includes the licensee's Social Security number, license number and the old and new addresses.

## Disciplinary Actions

*Following is a chronological listing of disciplinary actions taken by the board during 2006. Each entry includes the name, certificate or registration number (if any), and last known address of the respondent; the disciplinary sanction imposed; a brief description of the basis of the disciplinary sanction and the effective date of the disciplinary sanction. Every effort has been made to ensure that the following information is correct. However, this information should not be relied on without verification from the Prothonotary's Office of the Bureau of Professional and Occupational Affairs. One may obtain verification of individual disciplinary action by writing or telephoning the Prothonotary's Office at P.O. Box 2649, Harrisburg, PA 17105-2649; (717) 772-2686. Please note that the names of persons listed may be similar to the names of persons who have not been disciplined by the board.*

**Jean M. Patota**, license no. PT006508L, of Hatfield, Montgomery County, was assessed a \$750 civil penalty and had a public reprimand placed on her permanent board record. Patota practiced physical therapy without a current license. (03-23-06)

**Donna Marie Fall**, license no. TE001762L, of Swissvale, Allegheny County, had her registration to practice as a physical therapist assistant revoked. Fall obtained a registration to practice by fraud or misrepresentation, was convicted of a misdemeanor which relates to Fall's suitability for registration as a physical therapist assistant, and Fall became addicted

to alcohol, which tends to impair judgment or coordination. (07-21-06)

**Lawrence W. Hochreiter**, license no. PT000837E, of Wind Gap, Northampton County, was assessed a \$750 civil penalty. Hochreiter practiced physical therapy without a current license. (07-20-06)

**Kimberly D. Ward**, license no. PT013573L, of Doylestown, Bucks County, was assessed a \$750 civil penalty. Ward practiced physical therapy without a current license. (07-20-06)

**Scott Brian Wasserman**, license no. PT002843E, of Hanover, MD, was assessed a \$250 civil penalty because he had his license disciplined by the proper licensing authority of another state. (09-21-06)

**Cynthia J. Mantz**, license no. PT003049L, of Afton, VA, agreed to a permanent, voluntary surrender of her license to practice in PA because she had a license to practice physical therapy disciplined by the proper licensing authority of another state, failed to report to the board within 90 days of the occurrence of the disciplinary action taken against her by the proper licensing authority of another state, excessively indulged in the use of alcoholic liquors, and practiced physical therapy while the ability to practice was impaired by alcohol, drugs or a physical or mental impairment. (11-02-06)

**William Michael Joos**, license no. TE007447 of Pittsburgh, Allegheny County, was assessed a \$500 civil penalty because Joos initiated a treatment program without the direction and supervision of a physical therapist. (03-29-07)

**Joanne O'Neill Meyers**, license no. PT001198E of Hanover, York County, had a public reprimand placed on her permanent board record and was assessed a \$500 civil penalty because she had a license to practice physical therapy disciplined by the proper licensing authority of another state and failed to report to the board

within 90 days of the occurrence of the disciplinary action taken against her by the proper licensing authority of another state. (03-29-07)

**Leslie Anne Clemmer**, license no. PT002242E of McMinnville, Ore., agreed to a permanent, voluntary surrender of her license in Pa. because she had a license to practice physical therapy disciplined by the proper licensing authority of another state and failed to report to the board within 90 days of the occurrence of the disciplinary action taken against her by the proper licensing authority of another state. (03-29-07)

**Patrick C. McLemore**, license no. PT000710E of Missoula, Mont., agreed to a permanent, voluntary surrender of his license to practice physical therapy in Pa. because he had a license to practice physical therapy disciplined by the proper licensing authority of another state and failed to report to the board within 90 days of the occurrence of the disciplinary action taken against him by the proper licensing authority of another state. (03-29-07)

### UNETHICAL OR UNLICENSED ACTIVITY

If you believe the practice or service provided by a licensed professional to be unethical, below an acceptable standard or out of the scope of the profession; or if you are aware of unlicensed practice, please call the Bureau of Professional and Occupational Affairs complaints hotline at:

**In Pennsylvania: 1-800-822-2113**  
**Out of State: 1-717-783-4854**

A complaint form is available on the Department of State's Web site at [www.dos.state.pa.us](http://www.dos.state.pa.us)

**Check [www.dos.state.pa.us](http://www.dos.state.pa.us) for updated disciplinary action reports.**

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