

**BOARD OF PHYSICAL THERAPY  
MINUTES**

DATE: February 12, 2010

TIME: 9:00 a.m. C.D.T

LOCATION: 227 French Landing Drive  
Heritage Place, Metro Center  
Ground Floor, Iris Conference Room  
Nashville, TN 37243

MEMBERS PRESENT: Lisa Fortner, PTA, Secretary  
Brandon Hollis, PT  
Michael L. Voight, PT  
Minty R. Ballard, Consumer Member

MEMBER ABSENT: Brigina Wilkerson, PT, Chair

STAFF PRESENT: Marva Swann, Board Director  
Karen Robinson, Board Administrator  
Marc Guilford, Assistant General Counsel  
Diona Layden, Assistant General Counsel  
Libby Miller, Health Related Boards Director  
Juanita Stone, Disciplinary Coordinator

GUESTS: Christy Allen, Assistant Commissioner, TN Dept. of Health  
Cathy Hinton, Tennessee Physical Therapy Association  
Mike Harkreader, Director Tennessee Professional Assistance Program

With a quorum being present, the meeting was called to order by Lisa Fortner, Secretary, at 9:05 a.m..

**Office of General Counsel Report**

Mr. Guilford presented the following OGC report:

**Rules**

On November 11, 2009, the Board conducted a Rulemaking Hearing regarding Rule 1150-01.01, Definitions; Rule 1150-01-.02, Scope of Practice and Supervision; Rule 1150-01-.04, Qualifications for Licensure; Rule 1150-01-.08, Examinations; and Rule 1150-01-.12, Continuing Competence. The final rules were submitted to the Attorney General's office in January 2010 and await their approval.

## **Litigation Matters**

There are sixteen (16) open cases in the Office of General Counsel for the Board. Eleven (11) of these cases are regarding allegations of not meeting Continuing Competency requirements and arise from the random audit process. Ten (10) cases will be presented to the Board at this meeting and an additional two (2) cases are in the process of being closed by the Office of General Counsel because they are in compliance with continuing competency requirements.

## **Agreed Order**

**David Lee Unger, PTA**—Ms. Layden presented an Agreed Order for David Lee Unger, PTA who was found to have violated Tennessee Code Annotated § 63-13-312 (23) by continuing to perform functional capacity evaluations (FCEs) after a Board order to cease and desist and his license to practice placed on probation for one (1) year. Mr. Unger was again ordered to cease and desist performing FCEs and his license placed on probation for two (2) years with the assessment of two (2) type B civil penalties in the amount of two hundred fifty dollars (\$250.00) each, for a total of five hundred dollars (\$500.00). In addition, Mr. Unger was ordered to pay the costs of this action. After discussion, Ms. Ballard made a motion seconded by Mr. Hollis to accept the Agreed Order as presented. The motion carried.

## **Agreed Citations**

- A. **Charla V. Goodman,PTA**—Mr. Guilford presented an Agreed Citation for Charla V. Goodman, PTA, who, in violation of § 63-13-304 and Tenn. Comp., R. & Regs. 1150-1-.12, failed to properly maintain a sufficient number of continuing competence credit hours. Ms. Goodman agreed to submit documented proof of completion of the deficient hours to the Board by the end of the next calendar year in addition to a civil penalty of one hundred dollars (\$100.00) within thirty (30) days of notification from the Board. After discussion, Dr. Voight made a motion seconded by Mr. Hollis to approve the Agreed Citation for Ms. Goodman as presented. The motion carried.
- B. **Eva J. Shelton**—Mr. Guilford presented an Agreed Citation for Eva J. Shelton., PTA, who, in violation of § 63-13-304 and Tenn. Comp., R. & Regs. 1150-1-.12, failed to properly maintain a sufficient number of continuing competence credit hours. Ms. Shelton agrees to submit documented proof of completion of the deficient hours to the Board by the end of the next calendar year in addition to a civil penalty of one hundred dollars (\$100.00) within thirty (30) days of the notification from the Board. After discussion, Dr. Voight made a motion seconded by Mr. Hollis to approve the Agreed Citation for Ms. Shelton as presented. The motion carried.
- C. **Michael J. Matzek, PT**—Mr. Guilford presented an Agreed Citation for Michael J. Matzek, PT, who, in violation of § 63-13-304 and Tenn. Comp., R. & Regs. 1150-1-.12, failed to properly maintain a sufficient number of continuing competence credit hours. Mr. Matzek agrees to submit documented proof of completion of the deficient hours to the Board within sixty (60) days in addition to a civil penalty of one hundred dollars (\$100.00) within thirty (30) days of the notification from the Board. After discussion, Ms. Ballard made a motion

seconded by Dr. Voight to approve the Agreed Citation for Mr. Matzek as presented. The motion carried.

### **Consent Orders**

- A. **Lisa R. Asbury, PTA**—Mr. Guilford presented a Consent Order for Lisa R. Asbury, PTA, who, in violation of § 63-13-304 and Tenn. Comp., R. & Regs. 1150-1-.12, failed to properly maintain a sufficient number of continuing competence credit hours. Ms. Asbury has consented to submit documented proof of completion of the deficient hours to the Board by the end of the next calendar year in addition to a civil penalty of one hundred dollars (\$100.00) within thirty (30) days of notification from the Board. After discussion, Dr. Voight made a motion seconded by Mr. Hollis to approve the Consent Order as presented. The motion carried.
- B. **Angelia S. Harding, PTA**—Mr. Guilford presented a Consent Order for Angelia S. Harding, PTA, who, in violation of § 63-13-304 and Tenn. Comp., R. & Regs. 1150-1-.12, failed to properly maintain a sufficient number of continuing competence credit hours. Ms. Harding was also found to be in violation of § 63-13-312 when she renewed her license on October 31, 2007 and certified that she had met all requirements for continuing competency for the two previous calendar years. Ms. Harding has consented to the suspension of her license for forty-five (45) days and will submit documented proof of completion of the deficient hours to the Board within sixty (60) days in addition to a civil penalty of eight hundred dollars (\$800.00) within sixty (60) days of notification from the Board. After discussion, Dr. Voight made a motion seconded by Mr. Hollis to approve the Consent Order as presented. The motion carried.
- C. **Brett Alexander Jones, PT**—Mr. Guilford presented a Consent Order for Brett Alexander Jones, PT, who, in violation of § 63-13-304 and Tenn. Comp., R & Regs. 1150-1-.12, failed to properly maintain a sufficient number of continuing competence credit hours. Mr. Jones has consented to submit documented proof of completion of the deficient hours to the Board in addition to a civil penalty of one thousand fifty dollars (\$1050.00) within sixty (60) days of notification from the Board. After discussion, Dr. Voight made a motion seconded by Mr. Hollis to approve the Consent Order as presented. The motion carried.
- D. **Bradley Allen Moore, PT**—Mr. Guilford presented a Consent Order for Bradley Allen Moore, PT, who, in violation of § 63-13-304 and Tenn. Comp., R & Regs. 1150-1-.12, failed to properly maintain a sufficient number of continuing competence credit hours. Mr. Moore has consented to submit documented proof of completion of the deficient hours to the Board in addition to a civil penalty of nine hundred seventy five dollars (\$975.00) within sixty (60) days of notification from the Board. After discussion, Dr. Voight made a motion seconded by Mr. Hollis to approve the Consent Order as presented. The motion carried.
- E. **Cynthia D. Powers, PTA**—Mr. Guilford presented a Consent Order for Cynthia D. Powers, PTA., who in violation of § 63-13-304 and Tenn. Comp., R & Regs. 1150-1-.12, failed to properly maintain a sufficient number of continuing competence credit hours. Ms. Powers was also found to be in violation of § 63-13-312 when she renewed her license on June 27, 2007 and certified that she had met all requirements for continuing competency for the two

previous calendar years. Ms. Powers has consented to the suspension of her license for forty five (45) days and will submit documented proof of completion of the deficient hours to the Board in addition to a civil penalty of one thousand dollars (\$1000.00) within sixty (60) days of notification from the Board. After discussion, Dr. Voight made a motion seconded by Ms. Ballard to approve the Consent Order as presented. The motion carried.

- F. **Charles Edward Simmons, PTA**—Mr. Guilford presented a Consent Order for Charles Edward Simmons, PTA, who, in violation of § 63-13-304 and Tenn. Comp., R & Regs. 1150-1-.12, failed to properly maintain a sufficient number of continuing competence credit hours. Mr. Simmons was also found to be in violation of § 63-13-312 when he renewed his license on May 29, 2008 and certified that he had met all requirements for continuing competence for the two previous calendar years. Mr. Simmons has consented to the suspension of his license for forty five days (45) and will submit documented proof of completion of the deficient hours to the Board in addition to a civil penalty of (\$400.00) within sixty (60) days of notification from the Board. After discussion, Mr. Hollis made a motion seconded by Dr. Voight to approve the Consent Order as presented. The motion carried.

### **Tennessee Professional Assistance Program (TnPAP) Report**

Mike Harkreader, Director, of the Tennessee Professional Assistance Program (TnPAP), presented the statistics for the period of July 1, 2009 thru December 31, 2009. Two (2) PT's and two (2) PTA's signed monitoring agreements. There were no referrals during this period. One (1) PT was discharged after successfully completing the program.

### **Investigation and Disciplinary Reports**

There were seventeen (24) PT complaints. Nineteen (19) were closed; four (4) with no action, two (2) with a letter of warning, and thirteen (13) were referred to the Office of General Counsel, leaving one (5) currently open complaints.

There were twenty (20) PTA complaints. Nineteen (19) were closed; one (1) with no action, one (1) with a letter of warning, and seventeen (17) were referred to the Office of General Counsel leaving one (1) currently open complaint.

There are currently three (3) PT's and three (3) PTA's currently being monitored after prior Board discipline.

### **Approval of Minutes**

Mr. Hollis made a motion seconded by Dr. Voight to approve the minutes of the November 13, 2009 board meeting as presented. The motion carried.

Ms. Ballard made a motion seconded by Dr. Voight to approve the minutes of the December 22, 2009 Teleconference as presented. The motion carried.

### **Topics of Discussion**

- A. **Federation of State Boards of Physical Therapy Contract**—The Board discussed the FSBPT contract to administer the physical therapy examination. After discussion, Mr. Hollis made a motion seconded by Dr. Voight to amend the contract by extending it from one (1) to five (5) years. The motion carried.
- B. **Glucosometry Readings in a PT Clinic**—It was the general consensus that diabetic glucosometry readings or finger-stick testing procedures are within the scope of practice of physical therapy. Mr. Guilford is to draft a policy statement to this effect to be presented at the next meeting.
- C. **Compliance with Continuing Competency Requirements**—The Board adopted a revised policy (attached) on a licensee’s failure to comply with physical therapy continuing competency requirements. This policy will be immediately posted to the Board’s website.
- D. **Ethics and Jurisprudence C.E. Compliance**—After discussion, a motion was made by Mr. Hollis and seconded by Ms. Ballard to amend the rules regarding the obtaining of a course in ethics and Tennessee jurisprudence from every four (4) years to every two (2) year renewal cycle. The motion carried.

**Financial Report**

Christy Allen, Assistant Commissioner, presented the Board’s financial status. For the fiscal year of 2008, the Board had a total of \$322,946.26 expenditures with revenue of \$203,406.60 leaving a deficit of -\$119,539.66. For the fiscal year 2009, the Board had a total revenue of \$198,549.53. Indirect expenditures were not complete as of the meeting date. The report will be updated with the final figures at the next meeting, at which time the Board will discuss a fee increase if necessary to maintain financial solvency.

**Remediation**

Mr. Hollis made a motion that was seconded by Dr. Voight to approve the remediation plans reviewed by Board consultant, Alan Meade. The plans were for the following applicants:

- |                       |                       |
|-----------------------|-----------------------|
| KEITH BRYANT, PTA     | DARREN HENDERSON, PTA |
| DAWN JOHNSON, PTA     | RAHIDA SALLIE, PTA    |
| NIEVES REYNOLDS, PTA  | DEIDRA BOSTICK, PT    |
| MARIO BISHOP, PTA     | SHANNON BROWN, PT     |
| MICHELLE COMPTON, PTA | SHVOYNE CLAYBON, PT   |

The motion carried.

**Applicant File Review**

- A. **Julie Sarah-Claire Brown**—Ms. Brown is a foreign-trained physical therapist seeking reciprocity from California. After review of her file, Mr. Hollis made a motion seconded by Dr. Voight to grant Ms. Brown a four hundred and eighty (480) hour provisional license. The motion carried.

- B. **Kathi Gross, PTA**—Ms. Gross submitted a written request to extend the deadline to receive continuing competency credits for the 2010 renewal cycle due to hardship. After discussion, a motion was made by Dr. Voight and seconded by Mr. Hollis to allow Ms. Gross ninety (90) days to make up the continuing competency credits for the last reporting cycle with the stipulation that they can not be used toward the current cycle. The motion carried.
- C. **Kelly Chaffin, PT**—Ms. Chaffin is seeking licensure by reciprocity from the State of Ohio. Her file was presented to the Board due to a 2004 DUI conviction. After discussion, a motion was made by Ms. Ballard and seconded by Dr. Voight to approve Ms. Chaffin for licensure as a physical therapist.

**Ratification of Initial Determinations**

A motion was made by Mr. Hollis and seconded by Dr. Voight to approve the following lists of initial and reinstatement applications for licensure. The motion carried.

PHYSICAL THERAPISTS

NEW LICENSES

STACY LYNN BERG  
 JULIE KATHERINE BLANKE  
 MELISIA ANN BRENNAN  
 CHARLES KEVIN BRYANT  
 JOHN P. BUCHANAN  
 CECIL LOUIE CARDER  
 PATRICIA LORRAINE ARLTON  
 GREGORY ROSS CHANNELL  
 CHRISTOPHER MICHAEL COWAN  
 SHERITA BENA DAWKINS  
 KATHERINE DIGGS  
 CHAD ERIC HOBBS  
 HEIDI ANA HORCHEN  
 SILPA IPPAGUNTA

CANDACE L. JARRETT  
 JAMI S. KAPLAN  
 JOHN DAVID KIESEL  
 DERK MICHAEL PARKS  
 DENISE PELLEGRINO-KAPPEL  
 ELIZABETH SUSAN PURSES  
 RACHEL L. SEGARS  
 SHAILJA T. SRIVASTAVA  
 BRANDON SHANE TAYS  
 ANGELA MARIE VANAVERY  
 LAURIE F. VERBURG  
 DUKE NATHANIEL WALKER  
 CHERENY SHEKEA WOODARD

REINSTATEMENTS

SUSAN JANE BEALS  
 MATTHEW THANE DAVIS

PHYSICAL THERAPIST ASSISTANTS

NEW LICENSES

BRIAN LEWALLEN CAMPBELL  
 JULIE ANNE COOK  
 EMILY FEE  
 VERONICA SHEENA HENDERSON  
 VALERIE JO HUFFSTETLER

ROBERT SCOTT HUMISTON  
 PATRICIA DIANNE KOZAK  
 MICHAEL OLIVER MCGIMSEY, JR  
 ANDREA JANE MCQUEEN  
 KENNETH ALAN REED

SHANNON KATHLEEN REESE  
YOLANDA CELESTE ROSZELL  
VERONICA JEANE STEELE  
CHRISTEL LEANE STONE

MELISSA DON STOVER  
SONYANRE D. VAUGHN  
JEFFREY CHARELS ZAGAROLI

REINSTATEMENTS

MARTHA WILLIAMS CARROBON

BJ HELTON

**Administrator's Report**

Karen Robinson presented the following data from August, 2009 through October, 2009:

- 4163 Physical Therapists
- 2561 Physical Therapist Assistants

**STATISTICAL REPORTS**

<b>Physical Therapists</b>	Nov 09	Dec 09	Jan 10
Licensed	15	10	17
Provisional	3	0	0
Renewals Mailed	161	165	162
<b>Physical Therapist Assistants</b>	Nov 09	Dec 09	Jan 10
Licensed	6	7	12
Provisional	1	0	0
Renewals Mailed	79	93	98

Board Members

All positions are currently filled.

**2011 Board Meeting Dates**

The Board approved the following dates:

February 11, 2011  
May 6, 2011  
August 12, 2011  
November 11, 2011

**Adjournment**

There being no further business, the meeting was adjourned at 12:00 p.m.

**These minutes were ratified at the May 14, 2010 meeting**

## TENNESSEE BOARD OF PHYSICAL THERAPY

### Policy Statement: Continuing Competence

A Physical Therapist and Physical Therapist Assistant in Tennessee are required to demonstrate continuing competence by obtaining a minimum number of continuing competence credits in the two (2) calendar years that precede the licensure renewal year. For Physical Therapists, thirty (30) hours are required for the two (2) calendar years that precede the licensure renewal year. For Physical Therapist Assistants, twenty (20) hours are required for the two (2) calendar years that precede the licensure renewal year. (Please refer to the Board's rule Tenn. Comp. R. & Regs. 1150-1-.12 for complete information regarding the continuing education requirements.)

**Should the Tennessee licensed Physical Therapist or Physical Therapist Assistant fail to comply with the continuing competence requirement for the two (2) calendar year period preceding the licensure renewal year, the following shall occur:**

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**If a Physical Therapist or Physical Therapist Assistant has at least seventy-five percent (75%) of the required continuing competence hours:**

- 1. The licensee must pay a civil penalty in the amount of one hundred dollars (\$100.00) per hour he/she is lacking. Payment must be rendered within thirty (30) days of notification from the Board.**
- 2. The licensee must make up the amount of continuing competence credit hours that he/she is lacking. The deficient hours must be submitted with documented proof within sixty (60) days of notification from the Board.**

**If a Physical Therapist or Physical Therapist Assistant has less than seventy-five percent (75%) of the required continuing competence hours:**

- 1. The licensee must pay a civil penalty in the amount of one hundred dollars (\$100.00) per hour he/she is lacking. Payment must be rendered within thirty (30) days of notification from the Board.**
- 2. The licensee must make up the amount of continuing competence credit hours that he/she is lacking. The deficient hours must be submitted with documented proof within sixty (60) days of notification from the Board.**
- 3. The license of the Physical Therapist or Physical Therapist Assistant will be suspended for a period of not less than forty-five (45) days and will continued to be suspended until licensee submits documented proof of all continuing competence credit hours he/she is lacking.**

Failure to comply with the continued competence requirement may result in disciplinary action. Failure to respond to a Board request for documentation or to make up deficient continuing competence credit hours after notification by the Board may result in disciplinary action. Licensees found to be in noncompliance with continuing competence requirements will be subject to a subsequent audit and cannot use continuing credit hours submitted for past deficient hours for current continuing competence compliance.

The Board of Physical Therapy adopted this revised policy on February 12, 2010.